

**ORDINANCE NO. – 2021-5**

**AN ORDINANCE OF THE SCOTIA COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AMENDING ORDINANCE 2019-1  
TITLE IV -PARKS AND RECREATION**

The Board of Directors of the Scotia Community Services District does ordain as follows:

**Section 1:** Title IV (Parks and Recreation) is hereby adopted as follows:

**TITLE IV -PARKS AND RECREATION**

**CHAPTER I-PURPOSE**

**SEC. 1.01. BASIS OF AUTHORITY.** Ordinance 2016 – 2 dated 2/16/2017; Ordinance 2019-1 dated 5/16/19.

**SEC. 1.02. PURPOSE AND POLICY.** This article sets forth the standards, processes and fees associated with open space maintenance services. The District desires to encourage the long- term maintenance of undeveloped or recreational land under District ownership where the maintenance is either required by Humboldt County or requested by residents of a specific area. This article is intended to implement the provisions of the Landscaping and Lighting Act of 1972 (Streets and Highway Code Section 22500 et seq.) herein referred to as the "Act."

**CHAPTER 2. -RECREATION AND PARK SYSTEM-WIDE REGULATIONS**

**SEC. 2.01. RECREATIONAL USE DEFINED.** Recreational use is considered any area open for safe public use that contains trails, improved footpaths, parks, tot lots, playgrounds, or those areas having access to scenic views or open space.

**SEC. 2.02. OVERNIGHT USE PROHIBITED.** There is to be no camping or loitering on the grounds or in public buildings or structures between sunset and sunrise. All events shall conclude at 10 p.m. Sunday-Thursday and at Midnight on Friday and Saturday. Overnight use is prohibited.

**SEC. 2.03. FIRES.** Open fires are prohibited. Cooking fires will be allowed on grounds only in those areas equipped with District provided equipment designated for the containment of cooking fires.

**SEC. 2.04. GLASS.** Glass may be used in indoor facilities only, or designated areas subject to the District General Manager approval. An additional deposit may be required for glass to be used at special events.

**SEC. 2.05 PETS.** Pets may be off leash at outdoor facilities in designated areas and facilities only. Pets must be under voice control at all times. Animal owners are responsible for removal of animal excrement from the facilities.

**SEC. 2.06. CONDUCT - ALCOHOLIC BEVERAGES.**

- (a) Patrons may use alcoholic beverages with meals in designated areas at recreation and parks system facilities, provided they conduct themselves in an orderly manner;
- (b) Alcoholic beverages may be served or may be sold with California Department of Alcoholic Beverage Control ("ABC") permit only at designated recreation and parks system facilities where sales are not prohibited, and provided a Facility Use Permit has been secured (see SEC. 9.15 for further details);
- (c) No person shall be under the influence of intoxicating substances as provided in Section 647 (f) of the California Penal Code;
- (d) The District may withdraw the privilege to use alcoholic beverages at any time if the Sections and Chapters as are contained in this ordinance are not abided by;

- (e) Use of illegal substances other than alcohol is prohibited.
- (f) Use of tobacco shall be in designated smoking areas only. Cigarette butts and other waste must be placed in receptacles. Littering is prohibited.

**SEC. 2.07. INJURY TO OR MISUSE OF RECREATION AND PARKS SYSTEM PROPERTY.**

NO PERSON SHALL:

- (a) Willfully mark, deface, injure, tamper with, displace, or remove any buildings, bridges, tables, benches, fireplaces, railings, bleachers, ball fields, water lines, paving or paving materials or other public utilities or parts thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, or recreation and parks system property or appurtenances..
- (b) Litter, soil or defile buildings, structures, grounds, equipment or other recreation and parks system property or appurtenances. Trash, litter and other debris must be picked up and deposited into the proper receptacles
- (c) Remove any soil, rock, stones, turf, trees, shrubs, or plants, down timber or other wood or materials or make any excavations by tool, equipment or any other means.
- (d) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public utility into, upon or across such land except by District permit.
- (e) Trespass upon any area where prohibited.
- (f) Hunt, molest, or otherwise harm wildlife and plant life within the recreation and parks system.
- (g) Announce, advertise or call the public attention in any way to any article or service for sale or hire, except by District permit.
- (h) Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription, erect or cause to be erected any sign whatever within the recreation and parks system without permission from the District.
- (i) Use any system for amplifying sounds, whether for speech or music or otherwise within the recreation and parks system unless a Facility Use Permit is first secured from the District.
- (j) Discharge any weapon of any type within the recreation and park system boundaries for any reason.
- (k) Make fires of any type for any reason in any area that is not properly equipped and designated to contain a fire.
- (l) Use model rockets and remote-control model airplanes or drones in District Parks and Open Spaces without prior written approval from the District's General Manager.

**SEC. 2.08. POLLUTING WATERS OR DUMPING REFUSE PROHIBITED.**

NO PERSON SHALL:

- (a) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, stream or any other body of water in or adjacent to any component of the recreation and park system or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or things, liquid or solid, which will or may result in the pollution of said waters.
- (b) Dump, deposit, or leave any trash not created within the boundaries of the recreation and park system.

**SEC. 2.09. OPERATION OF MOTORIZED VEHICLES-PROHIBITED ACTS.**

NO PERSON SHALL:

- (a) Fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of motorized vehicles together with such chapters as are contained in this ordinance.

- (b) Fail to obey all law enforcement officers and District employees who are hereafter authorized and instructed to require persons within the boundaries of the recreation and park system to adhere to the provisions of these chapters.
- (c) Fail to observe carefully all traffic signs, parking signs, and all other signs posted for the proper control of traffic and to safeguard life and property.
- (d) Operate a motorized vehicle, other than District-authorized vehicles, within the boundaries of the facility except in those areas designated as driveways.

**SEC. 2.10. OPERATION OF NON-MOTORIZED VEHICLES--PROHIBITED ACTS.**

Non-motorized vehicles shall be defined as any form of transportation in which human or gravitational energy powers the source of transportation. Examples of such transportation include, but are not limited to, bicycles, skateboards, roller blades, roller skates, etc.

NO PERSON SHALL:

- (a) Fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of non-motorized vehicles together with such chapters as are contained in this ordinance.
- (b) Fail to obey all law enforcement officers and District employees who are hereafter authorized and instructed to require persons within the boundaries of the recreation and park system to adhere to the provisions of these chapters.
- (c) Fail to observe carefully all traffic signs, parking signs, and all other signs posted for the proper control of traffic and to safeguard life and property.
- (d) Operate non-motorized vehicles on any sidewalks, on pathways designated for pedestrian traffic only, and within turf and landscaped areas.

**CHAPTER 3. - OPERATION OF WINEMA THEATER**

**SEC. 3.01. HOURS OF OPERATION.** All events may begin at 8:00am, and shall conclude at 10:00 p.m. Sunday-Thursday, and at Midnight on Friday and Saturday.

**SEC. 3.02. FACILITY CAPACITY.** The maximum overall capacity of the Winema Theater is 464 persons. This includes 278 persons in fixed seating, and 186 additional capacity for seating on the lower level main floor. Additional seating must follow the additional seating template, provided by the District and Fire Chief, which follows the California Code, allowing for a minimum of four-foot (4') rows for exit. Any alternative seating templates must be approved by the Fire Chief.

**SEC. 3.03 DECORATIONS.** Decorations for events may NOT be secured with pins, nails, tacks, or any other materials that may leave holes or cause any damage to the facility.

**SEC. 3.04. AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE.** If an event at the Winema Theater is open to the public, it must comply with all current ADA regulations.

**SEC. 3.05. WINEMA THEATER POCKET PARK.** The Winema Theater Pocket Park will be operational during daylight hours only, or with a Facilities Use Permit, or written permission from the District General Manager.

**CHAPTER 4. - OPERATION OF SCOTIA MUSEUM**

**SEC. 4.01. HOURS OF OPERATION.** The Museum hours of operation will be determined, and may be

changed, at the District Board of Directors discretion. Hours will be posted at the Museum, in a conspicuous location.

**SEC. 4.02. MUSEUM FEES.** Museum fees will be determined, and may be changed, at the District Board of Directors discretion.

**SEC. 4.03. FACILITY CAPACITY.** The Museum capacity will be determined by the Fire Chief according to International Building Code (IBC) and National Fire Prevention Association (NFPA) standards. Once determined, the capacity will be posted in the facility.

**SEC. 4.04. RESTROOM FACILITIES.** Restroom facilities are for Museum Patrons ONLY.

**SEC. 4.05. EXHIBITS.** Museum exhibits and displays are not to be handled, moved, touched, climbed on, jumped off, or any such manner of touching unless explicated stated via signage, etc.

**SEC. 4.06. MUSEUM POCKET PARK.** The Museum Pocket Park will be operational during daylight hours only, or with a Facilities Use Permit, or written permission from the District General Manager

## **CHAPTER 5. - OPERATION OF FIREMAN'S PARK**

**SEC. 5.01. GROUP BARBECUE COMPLEX.** Individuals or organizations desiring use of any portion of the group barbecue complex within Fireman's Park for an organized function shall obtain a Facility Use Permit.

**SEC. 5.02. PICNIC TABLES/BARBECUES.** The public may use the picnic tables and barbecues in the park on a first-come first-served basis, unless otherwise reserved for a private party with a District Reservation Permit. Reservation Permit Applications and rental fees are due thirty (30) working days prior to the event. Reservations should be made as early as possible to avoid schedule conflicts. At least 48 hours' notice of cancellation is required. Deposits will be returned within 30 days after the event.

**SEC. 5.03. RESTROOM FACILITIES.** Restrooms may be reserved for special events, and will require a deposit fee and non-refundable restroom cleaning fee. Restroom facilities will remain locked unless otherwise noticed. Restroom use is limited to daylight hours only. The restroom key is to be used only by the Reservation Holder and associated party. The restroom will remain clean and locked when guests are finished. Upon return of the restroom facility key to the District Office, the deposit will be returned within 30 days to the applicant. The key will not be duplicated, loaned, or given to others. If the key is lost, the deposit is forfeited, and a new deposit will be required to have a key reissued. Key check out may be revoked at any time. In the event that restroom facilities are unavailable, portable restrooms are required for events, including ADA compliant restrooms.

**SEC. 5.05. PETS.** The designated off leash area is defined as the fenced area of Fireman's Park. All pet waste must be appropriately removed. Horses and other livestock are not allowed.

**SEC. 5.06. AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE.** If an event at the Fireman's Park is open to the public, it must comply with all current ADA regulations.

## **CHAPTER 6. - OPERATION OF BASEBALL PARK**

**SEC. 6.01. LIGHTING.** Baseball Park Lighting will be available for a charge with a valid District Facility Use Permit and charged at a rate set by the District Board of Directors in the Fee Schedule.

**SEC. 6.02. GROUP BASEBALL PARK USE.** The Baseball Park may be used by groups with a valid District Facility Use Permit (See the District Master Fee Schedule for permit fees).

**SEC. 6.03. RESTROOM FACILITIES.** Are the same as listed in SEC. 5.03. above.

**SEC. 6.04. OVERNIGHT USE PROHIBITED.** All events shall conclude at 10:00 p.m. Sunday-Thursdays and at Midnight on Friday and Saturday. Overnight use is prohibited.

**SEC. 6.05. HORSESHOE PITS.** The public may use the horseshoe pits on a first come basis. Any individual or organization desiring to use the horseshoe pits for an organized function must do so by obtaining a District Facility Use Permit.

**SEC. 6.06. AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE.** If an event at the Baseball Park is open to the public, it must comply with all current ADA regulations.

## **CHAPTER 7. - OPERATION OF SOCCER FIELD**

**SEC.7.01. RESTROOM FACILITIES.** Restrooms may be reserved for special events, and will require a deposit fee and non-refundable restroom cleaning fee. Restroom facilities will remain locked unless otherwise noticed. Restroom use is limited to daylight hours only. The restroom key is to be used only by the Reservation Holder and associated party. The restroom will remain clean and locked when guests are finished. Upon return of the restroom facility key to the SCSD Office, the deposit will be returned within 30 days to the applicant. The key will not be duplicated, loaned, or given to others. If the key is lost, the deposit is forfeited, and a new deposit will be required to have a key reissued. Key check out may be revoked at any time.

**SEC. 7.02. AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE.** If an event at the Soccer Field is open to the public, it must comply with all current ADA regulations.

## **CHAPTER 8. - OPERATION OF COMMUNITY FOREST**

**SEC. 8.01. RIVER ACCESS.** Use of any motorized vehicles on the river bar and through the District Community Forest, on or off trails, is prohibited. The River bar and access road is designated for pedestrian traffic only. River access will be open Sunrise to Sunset. Camping or overnight use is not authorized. The District does not provide lifeguards at the river, swim at your own risk.

**SEC. 8.02. UNAUTHORIZED TAKE FROM THE DISTRICT COMMUNITY FOREST, INCLUDING THE RIVER BAR.** Shall comply with Section 2.07 of this ordinance. Any unauthorized take of any natural resource from the community forest is prohibited and will be considered a violation of this ordinance and be dealt with according to Chapter 10.

## **CHAPTER 9. - PERMITS, FEES AND DEPOSITS**

**SEC. 9.01. FACILITY USE PERMITS REQUIRED.** A valid District facility use permit is required for individuals or organizations to use any indoor facility or any outdoor facility which may include, but shall not be limited to, any of the following:

- (a) Nonspontaneous large group activities consisting of fifty (50) or more persons;
- (b) The charging of an admission or entrance fee;
- (c) The use of District facilities not ordinarily available for public use;
- (d) Regularly occurring organized team or league use of District sports fields or courts;
- (e) The sale of merchandise, food or beverages;
- (f) The sale or service of alcoholic beverages;
- (g) The setting up of booths, stages, vending carts or stands, kiosks, bleachers or similar structures;
- (h) The barricading of any District street or other street use that would impede the normal flow of traffic;
- (i) Amplified music or sound;
- (j) The need for access to District utilities;
- (k) The need for garbage collection specific to the activity or event; or
- (l) The staging or shooting of commercial motion or television pictures or still photography, exempting local businesses, filming for educational purposes, and tourism productions, as further defined by the District Board, when such activities do not otherwise require a District permit.
- (m) Any use of the Winema Theater.
- (n) The General Manager or Board of Directors may impose additional permits or permit requirements.

**SEC. 9.02. EVENT TYPE DEFINITIONS.** The District shall issue permits based on the following definition of use:

- (a) Event - defined as use with estimated attendance of less than 500 persons and no more than posted capacities at any District indoor facilities; for which off road and facility parking space is adequate; for which street closures are not required; and for which cancellation of approved vendor programs is not required.
  - i. *Major Event* - Major Events are classified as events drawing more than 50 people total or events that close a District street. A non-refundable application- processing fee must accompany the application. Applications must be submitted at least 30 days in advance of event date.
  - ii. *Minor Event* - Minor Events are classified as events drawing 50 people or less that do not close any streets. A non-refundable application-processing fee must accompany the application. Applications must be submitted at least 30 days in advance of event date.
- (b) Large Scale Community Event - defined as use with estimated attendance of more than 500 persons but no more than posted capacities at any District indoor facilities or for which off- road and facility parking space is adequate; or for which street closures may be required; or for which cancellation of an approved vendor program is required. A non-refundable application-processing fee must accompany the application. Applications must be submitted at least 30 days (60 days for events over 1000 participants) in advance of event date.
- (c) Vendor Contract - defined as use by those individuals approved by the District Board of Directors, offering ongoing programs on a regular basis for no more than twelve months. Anyone wishing to sell food or goods at any park facilities, must have a current Humboldt County business license, insurance, and a valid Humboldt County Vending Permit. Please allow up to 30 days for the application process.
- (d) *Film Permits* - A Humboldt County Photography/Motion Picture Permit is required for use of District parks, buildings, or grounds for the staging or shooting of commercial motion or television

pictures and photography.

**SEC. 9.03. FACILITY USE PERMIT PROCESS.** Any individuals or organizations seeking issuance of a District Facility Use Permit hereunder shall file a permit application to use District facilities on the appropriate application form provided by the District. All requests must be filed with the District along with the required application processing fee, deposit, use fees, proof of appropriate insurance coverage, and fees for other services at least thirty (30) working days prior to the actual event date. The District General Manager, under direction of the District Board, may impose additional conditions for approval. All Event Permits shall be reviewed by the Fire Chief.

**SEC. 9.04. FACILITY USE FEES.** Facility use fees, as established, and adopted by the District Board on an annual basis in the Master Fee Schedule, shall be charged for and must accompany each Facility Use Permit request required hereunder for said facility use permit request to be fully and properly executed by the District.

**SEC. 9.05. FEE STRUCTURE DEFINITIONS.** The District shall identify the following fee structure definitions when charging customers for use of facilities:

- o A "Non-Profit Group" shall be defined as any group or organization which can supply proof of non-profit status via the Internal Revenue Service Code. Other Governmental entities shall be considered as falling within the guidelines of this definition.
- o A "Vendor" shall be defined as an individual or organization, approved by the District Board of Directors, that has a fully executed Humboldt County vendor contract for use of District parks and recreation facilities.
- o A "Private Citizen/Business" shall be defined as other potential users not fitting within the "non-profit group" or "vendor" definition.
- o A "Commercial Event" shall be defined as an event being held for the purpose of private financial gain for an individual or organization.
- o An "Event Host" shall be defined as a District employee who has received training regarding use of District facilities for outside events. Event hosts are required for all events at District facilities for those events sponsored by a District approved vendor.
- o The "All Day Rate" shall be defined as a fee charged specifically for use of the Winema Theater and which includes access to the facility for greater than four (4) consecutive hours.
- o The "Half-Day Rate" shall be defined as a fee charged specifically for use of the Winema Theater and which includes access to the facility for a maximum of four consecutive hours.

**SEC. 9.06. EVENT SERVICES FEES.** The District shall charge a fee per hour for an event host for events requiring a host. The minimum charge shall be two hours. Other event service fees shall be based on the direct expense associated with providing said service. Such event fees shall be reviewed periodically and established by the District Board in the Master Fee Schedule.

**SEC. 9.07. RECREATION PROGRAM FEES.** The District shall charge participants program fees based on the direct expenses associated with each individual program. Program fees shall be determined periodically as programs are added to the Master Fee Schedule. Program fees shall be adopted by the District Board within two months of the inception or change of fees.

**SEC. 9.08. DEPOSIT.** A deposit, as established and adopted by the District's Board in the Master Fee Schedule must accompany each Facility Use Permit request. The deposit shall be refunded to the applicant within thirty (30) working days if the facility is restored to pre-use conditions. If District clean-up is required to restore the facility to pre-use conditions or damage is noted to the facility, any refund will be less the expense associated with returning the facility to pre-use conditions.

**SEC. 9.09. FACILITY USE DEPOSIT FEES.** The District shall charge a deposit for events which qualify and are defined as special events or large-scale community events, as outlined in the Master Fee Schedule.

**SEC. 9.10. INSURANCE.** All events requiring a Facility Use Permit shall obtain Liability Insurance for the

event; a Facility Use Permit request shall not be considered fully executed unless the individual or organization seeking issuance of a Facility Use Permit obtains and furnishes liability coverage for the event which is acceptable to the District.

Insurance is required for all Facility Use Permits except as otherwise prohibited by law or in the event an exemption is obtained from the District General Manager. When required insurance must be submitted to the District thirty (30) business days prior to the event, event holder will provide:

- o A Certificate of Insurance of \$2,000,000 liability coverage. (General Aggregate and Each Occurrence).
- o An endorsement, naming the "Scotia Community Services District, it's elected or appointed officers, officials, employees and volunteers" as additionally insured.
- o The endorsement must also provide a statement that the insurance will be primary and that the insurance will not be cancelled without prior 30-day written notice given to the Scotia Community Services District.
- o The individual or a representative of the organization seeking permission for use must execute a Liability Release Form which releases Scotia Community Services District from any and all liability caused by the use of the facility.

**SEC. 9.11. PERMITS FOR USE OF FACILITIES.** The District shall only grant a Facility Use Permit for organized use of a facility when each of the following findings can be made:

- (a) The requested area of the recreation and parks system for-which the facility is located within is available during the period for which the Facility Use Permit is requested;
- (b) The expected attendance does not exceed the capacity of the facility or area, as determined by the International Building Code (IBC) and National Fire Prevention Association (NFPA) standards;
- (c) The use for which the Facility Use Permit is sought complies with the use established for the facility or area requested.

**SEC. 9.12. USE OF SOUND AMPLIFICATION SYSTEM.** The District shall only grant permission for use of any sound amplification system when each of the following findings can be made:

- (a) The individual or organization seeking permission for use of a sound amplification system must file, with the District, a Facility Use Permit request for the facility in which use of the sound amplification system is requested.
- (b) The sound amplification system proposed will not unduly inconvenience or disturb neighboring properties or other recreation and parks system facility users, nor violate any established Noise Ordinance.
- (c) The maximum noise from use of the sound amplification system complies with Humboldt County's Noise Regulations.
- (d) The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which sound amplification systems are utilized, the following requirements shall also be required:

- (a) A District employee, or other designee, will be assigned to be present throughout the event.

**SEC. 9.13. SALE OR SERVICE OF ALCOHOLIC BEVERAGES.** The District shall only grant permission for sale or service of alcoholic beverages when each of the following conditions are met:

- (a) The individual or organization seeking permission for sale or service of alcoholic beverages must file, with the District, a Facility Use Permit request for the facility in which the sale of alcoholic beverages is requested;
- (b) The individual or organization seeking permission has a valid permit from the ABC to sell alcohol;



- (c) If applicable, the individual or organization seeking permission has secured outside security services;
- (d) The use for which permission is sought complies with the use established for the facility or area requested.
- (e) A District employee, or other designee, will be assigned to be present throughout the event;
- (f) Facilities will not be rented for events at which the consumption of alcoholic beverages will be a principal activity.

The District General Manager has the authority to impose additional conditions, including insurance and liability provisions, as a requirement for issuance of a fully executed Facility Use Permit. Additional Fees and Rates may be required at events that intend to sell or serve alcohol.

**SEC. 9.14. USE OF DISTRICT-OWNED EQUIPMENT.** The District may make available to individuals or organizations recreation-related equipment, which can be utilized for outdoor use, as determined by the District General Manager or Board of Directors. District shall only grant permission for use of District-owned equipment when each of the following findings can be made:

- (a) The individual or organization seeking permission for use of District-owned equipment must be requesting said equipment in conjunction with an event at a District facility which is being sponsored by the individual or organization;
- (b) The Individual or organization must file, with the District, a Facility Use Permit request for the facility in which the equipment will be utilized;
- (c) The requested equipment is available during the period for which use of the equipment is requested;
- (d) The individual or organization requesting use of District-owned equipment furnishes the District with appropriate liability coverage.

**SEC. 9.15. WAIVER.** A waiver of the fees and/or deposit for certain types of protected activities may be available upon the discretion of the District General Manager.

**SEC. 9.16. APPEALS.** An appeal of the action of District staff on any Facility Use Permit pursuant to this chapter must be in writing and filed by or on behalf of the individual or organization seeking the Facility Use Permit, within (10) days after the action of District staff on the Facility Use Permit request. The appeal shall set forth in detail the factual and legal basis of the appeal. The Board of Directors shall consider and act on the appeal within forty-five (45) days after the appeal is filed. The individual or organization filing the appeal shall be entitled to submit oral or written evidence to the Board in support of the appeal. Action of the Board of Directors on the appeal shall be final.

## **CHAPTER 10. – BENEFIT ASSESSMENT INTERPRETATION and APPEALS**

**SEC. 10.01 INTERPRETATION.** The Parks and Recreation Benefit Assessment (Assessment) uses a weighted method of apportionment know as an equivalent benefit unit (EBU) methodology that uses the single-family home site as the basic unit of assessment. A single-family home site equals one EBU and the other land uses are converted to a weighted EBU based on an assessment formula that equates the properties specific characteristics associated with density factors to compare the proportional benefit of each property as compared to a single-family home site.

EBU values for commercial and industrial land uses are based on the equivalence of special benefit on a land area basis between single-family residential property and commercial property. EBU values for other types of business and industrial land uses are established by using average employee densities, because the special benefit factors described previously can be measured by the average number of people who work at commercial/industrial properties. Further details may be found in the District Engineer’s Report.

The Assessment was established with an annual 1.5% escalation factor to account for cost-of-living

increases for an initial five (5) year period, beginning in fiscal year 2016/2017. The Assessment may also be increased, annually, to an amount not to exceed 3.0% based on the consumer price index (CPI) if approved by the District Board of Directors (Board).

Additionally, proposed changes to the Assessment may also occur based on “pass through” costs, which include the purchase of uncontrolled mandatory services (such as utility costs). Further details and an explanation may be found in the District Engineer’s Report.

Any new or increased Assessment, above the allowed CPI increase or “pass through” costs, would require a Proposition 218 proceeding and property owner approval.

**SEC. 10.01 APPEALS.** Any property owner who claims that the Assessment levied on their property is in error as a result of inaccurate or incorrect information being used to apply the method of assessment, may file a written appeal with the District General Manager. Any appeal is limited to the current fiscal year (July 1st, through June 30<sup>th</sup>). The District General Manager will review the appeal and determine what information will be required, by the District, from the property owner. The required information may include, but is not limited to, an engineering firm analysis, floor plans, and a property parcel map. All costs for the required information will be paid by the property owner.

Any Assessment dispute over the decision of the District General Manager shall be referred to the District Board. The decision of the District Board shall be final. Any approved changes, by the District General Manager or District Board, to the Assessment, within the current fiscal year, will be refunded by the District.

## CHAPTER 11. - ENFORCEMENT

**SEC. 11.01. AUTHORITY.** California Government Code Section 61064(a) states the "violation of any rule, regulation, or ordinance adopted by a board of directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code." California Government Code Section 61064(b) allows any citation issued by the SCSD for the violation of a rule, regulation, or ordinance adopted by the Board "may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code." Finally, Cal. Gov't Code 61064(c) allows the Board to confer on "designated uniformed district employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or district rules, regulations, or ordinances when the violation is committed within a facility and in the presence of the employee issuing the citation. District employees shall issue citations pursuant to Chapter SC (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code."

**SEC. 11.02. DESIGNATED EMPLOYEES.** Each act that violates this Parks and Recreation Ordinance is a violation of the Scotia Community Services District's rules and shall constitute a separate offense. A violation of this section is punishable as a misdemeanor or infraction, chargeable at the District General Manager's or District's Legal Counsel's discretion

**SEC. 11.03. PENALTY.** (A) It shall be unlawful for any person to violate any provision or to fail to comply

with any of the requirements of this ordinance or the provisions of any ordinance adopted by reference by this ordinance. Any person violating any of such provisions or failing to comply with any of the mandatory requirements of this ordinance shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this ordinance shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance, or the provisions of any ordinance adopted by reference by this ordinance, is committed, continued, or permitted by such person and shall be punishable accordingly. Any violation of this ordinance which is declared to be a misdemeanor shall be considered and treated as an infraction subject to the procedures described in Cal. Penal Code §§ 19.6 and 19.7, when:

- (1) The District General Manager or District Legal Counsel files a complaint charging the offense as an infraction unless the defendant, at the time he is arraigned, after being informed of his rights, elects to have the case proceed as a misdemeanor; or
- (2) The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

(B) In addition to the penalties provided by this section, any condition caused or permitted to exist in violation of any of the provisions of this ordinance, or the provisions of any ordinance adopted by reference by this ordinance, shall be deemed a public nuisance and may be summarily abated by this District, and each day such condition continues shall be regarded as a new and separate offense.

- (C) Each violation of this ordinance expressly declared to be an infraction is punishable by:
- (1) A fine not exceeding \$100 for the first violation;
  - (2) A fine not exceeding \$200 for the second violation of the same ordinance within one year;
  - (3) A fine not exceeding \$500 for each additional violation of the same ordinance within one year.

**Section 1: Severability.** If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Chapter. The Board of Directors hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid under law.

**Section 2: California Environmental Quality Act (CEQA) Determination.** Under the EIR that was completed upon the formation of the Scotia Community Services District, a determination was made that the District would not result in a significant environmental impact. This ordinance is also exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 1506I(b)(3) of the CEQA Guidelines.

**Section 3: Limitation of Actions.** Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

**Section 4:** This ordinance will take effect thirty (30) days after the date of its adoption.

DATE: March 18, 2021

ATTEST:

APPROVED:

\_\_\_\_\_  
Clerk, Scotia Community Services District

\_\_\_\_\_  
President, Scotia Community Services District

Clerk's Certificate

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 2021-5, passed and adopted at a regular meeting of the Board of Directors of the Scotia Community Services District, Humboldt County, California on the 15 th day of April, 2021, by the following vote:

AYES: Ansted, Black, Newmaker, Pryor, Sellen

NOES: None

ABSENT: None

ABSTENTIONS: None

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Clerk, Scotia Community Services District